

REMARKS/ARGUMENTS

In the Office Action claims 1-20 were rejected under 35 USC § 102 (b) as anticipated by or, in the alternative, under 35 USC § 103 (a) as obvious over the Lam et al. '883 patent and the Lam et al. '244 patent.

Applicant's amended claims define a friction material having a fibrous base material impregnated with at least one curable resin. The fibrous base material comprises a high fiber content porous primary layer and a secondary layer comprising friction modifying particles on at least one surface of the primary layer. The primary layer has a fiber content of at least 65% by weight and a filler content of no more than 15% by weight. The amended claims are also directed to a process for producing a friction material with a high fiber content primary having a fiber content of at least 65% by weight and a filler content of no more than 15% by weight and a secondary layer comprising friction modifying particles on at least one surface of the primary layer. Support for the amendments to the claims is found on page 9, lines 24-26 and page 12, lines 18-23 of the specification.

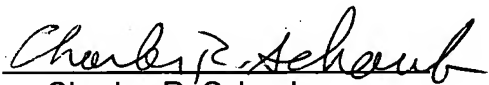
The Lam et al. '883 patent and the Lam et al. '244 patent are both directed to a friction modifying material with a fibrous base having a primary layer of less fibrillated aramid fibers, synthetic graphite and at least one filler material, and a secondary layer of carbon particles on at least one surface of the fibrous base material. A retention aid can also be utilized in the secondary layer to assist in securing the carbon particles to the primary layer. The two Lam et al. patents do not disclose or suggest a primary layer of the fibrous base material having a fiber content of at least 65% by weight and a filler content of no more than 15% by weight as defined by applicant's amended claims. In the Examiner's evaluation of these two references there is no indication of a primary layer for the fibrous base material having the high fiber content and low filler content as defined by applicant's amended claims as disclosed or suggest that in either of the Lam et

Appl. No. 10/678,728
Amdt. Dated January 30, 2006
Reply to Office Action of October 31, 2005

al. patents. Accordingly, it is the applicant's position that the two Lam et al. patents do not disclose or suggest the invention defined by applicant's amended claims and that these references do not form a proper basis of rejection of the claims under 35 USC § 102 (b) or 35 USC § 103 (a). Accordingly, the Examiner is requested to withdraw this basis of rejection for claims.

In the view of the amendments to the claims and the arguments set forth herein it is applicant's position that the claims patentably distinguish over the prior art references relied upon by the Examiner. Accordingly, a favorable action on the claims is respectfully requested.

Respectfully submitted,
EMCH, SCHAFFER, SCHAUB
& PORCELLO CO., L.P.A.

By: 
Charles R. Schaub
Reg. No. 27,518
Tel.: (419) 243-1294